

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Criminal No.
04-10153-RWZ

UNITED STATES OF AMERICA

v.

MANUEL JESUS NOVOA BAIREZ

INITIAL SCHEDULING ORDER

June 2, 2004

DEIN, M.J.

The above named defendant having been arraigned before this court on Wednesday, June 2, 2004, and having reserved decision as to whether to proceed under the automatic discovery rules, IT IS HEREBY ORDERED in accordance with Local Rules (LR) 116.1 through 116.5 that:

- I. The defendant shall, on or before Wednesday, June 16, 2004, file a Notice Re: Automatic Disclosure.¹
- II. In the event that the defendant, in the Notice Re: Automatic Disclosure, referred to above, states that no waiver will be filed,² further proceedings shall be governed by the following subsections **A** through **H**:

¹ A blank Notice Re: Automatic Disclosure is attached to this Order.

² In the event that the defendant does not file the Notice Re: Automatic Disclosure within fourteen days of arraignment, it shall be deemed that the defendant will proceed under the automatic discovery provisions in accordance with LR 116.1(C).

- A. The government shall produce, on or before Wednesday, July 14, 2004, or within fourteen (14) days of receipt by the government of a written statement that no Waiver will be filed, **whichever shall first occur**, those materials required to be produced under LR 116.1(C).
- B. The defendant shall produce, on or before Wednesday, July 14, 2004, those materials required to be produced under LR 116.1(D).
- C. Any discovery request letters shall be sent and filed by Wednesday, July 14, 2004. See LR 116.3(A) and (H).
- D. Any responses to discovery request letters shall be sent and filed within fourteen (14) days of receipt of the discovery request letter(s) referred to in Paragraph A immediately above, or on or before Wednesday, July 28, 2004, **whichever date shall first occur**. See LR 116.3(A).
- E. Any and all discovery motions shall, consistent with the provisions of LR 116.3(E) through 116.3(H), be filed on or before 14 days after receipt of the opposing party's declination to provide the requested discovery, **or** 14 days after the opposing party has received the discovery request letter and has failed to respond thereto, **whichever date shall first occur**. See LR 116.3(E) and (H).
- F. Response(s) to any motions shall be filed on or before fourteen (14) days after motions have been filed consistent with the provisions of Paragraph C immediately above. See LR 116.3(I).

G. In the event that a defendant notifies the attorney for the government that the defendant intends to offer a plea of guilty, the attorney for the government shall forthwith notify this court of that fact by writing indicating the date that that notification was made to the attorney for the government.

H.. **An initial status conference in accordance with LR 116.5 will be held on Tuesday, July 13, 2004, at 2:45 p.m. in Courtroom No. 15 on the Fifth Floor.**³

I. **A joint memorandum addressing those items set forth in Local Rule 116.5(A)(1) through Local Rule 116.5(A)(7) shall be filed on or before the close of business, Thursday, July 8, 2004.**

III. In the event that the defendant, in the Notice Re: Automatic Disclosure, referred to above, waives the automatic disclosure of discovery material, the court will issue a further Scheduling Order.

UNITED STATES MAGISTRATE JUDGE

³ Defendants are not required to be present at the Initial Status Conference. Inasmuch as this court concludes that the Initial Status Conference is not a critical proceeding within the meaning of Rule 43, F.R. Crim. P., defendants in custody will **not** be transported to court for the Initial Status Conference absent a showing of exceptional cause on motion duly filed in advance of the Initial Status Conference. See 43(c)(3), F.R. Crim. P.

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MANUEL JESUS NOVOA BAIRES

NOTICE RE: AUTOMATIC DISCLOSURE

In accordance with Local Rule (LR) 116.1 the defendant, _____

☐

states that no waiver will be filed and requests that the government provide automatic discovery in accordance with LR 116.1(C).

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waives the automatic disclosure of discovery material pursuant to Local Rule 116.1 (B). Discovery will be obtained directly through the provisions of the Federal Rules of Criminal Procedure in the manner provided under Local Rule 116.3.

Defendant

Attorney for the Defendant

Date